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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/334,054	06/15/1999	DAVID W. JOHNSON	11381	4885

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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 03/02/2004

28

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/334,054

Applicant(s)

JOHNSON, DAVID W.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-22, 31-33 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 9 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 27.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 27 October 2003 (Paper No. 26) has been entered.

Claims

2. Claims 1-22 and 31-37 are pending.

Drawings

3. New drawings were received on 27 October 2003. These drawings are acceptable to the examiner.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 27 October 2003 (Paper No. 27) was considered by the examiner.

The citation form sent in the IDS has been copied onto three pages because there is no legal paper available to the examiner.

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Withdrawal of Allowability

5. The allowability of claims 1-2 and 31-37 is withdrawn in order to apply the new grounds of rejection, based on Van Thillo et al, below. The Van Thillo patent was submitted with the last IDS (Paper No. 27).

Allowable Subject Matter

6. Claims 9 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The use of aluminum chlorohydrate with colloidal silica in exterior coatings for rubber gloves is not taught or suggested by the prior art of record.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1-8, 11-22, 31-33 and 35-37 are rejected under 35 U.S.C. 103(a) as unpatentable over JP 8902356B (abstract) in view of Van Thillo et al (US 5,008,178).

JP 8902356B (hereafter "JP '565B") teaches an antistatic glove comprising cloth/rubber/antistatic particle layers. See the title and the basic abstract.

It fails to teach the use of colloidal silica.

Van Thillo teaches the use of colloidal silica in an outermost antistatic layer on substrates. See the abstract.

It is well known in the glove-making art that colloidal silica particles are inexpensive.

The references are analogous because they both deal with antistatic layers. It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the colloidal silica of Van Thillo as the antistatic conductive particles on the gloves of the JP '565B reference in order to lower the cost of the antistatic gloves.

The motivation to employ the colloidal silica of Van Thillo in the antistatic layer on the surface of the JP '565B gloves is found in the Van Thillo abstract, where the use of colloidal silica in its outermost antistatic layer is taught.

It is deemed desirable to employ low-cost material when making products in order to keep manufacturing costs minimal.

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11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP-'565B and Van Thillo as applied to claims 1-8, 11-22, 31-33 and 35-37 above, and further in view of Nash (US 5,620,773).

Nash was cited on the PTO 892 that accompanied the office action mailed on 23 July 2003 (Paper No. 24/25).

JP '565B and Van Thillo are discussed above. They fail to teach an inside surface treatment.

Nash teaches the treatment of the inner surface of gloves to produce non-blocking, non-allergenic surfaces inside them (abstract).

The references are analogous because they all deal with treated surfaces.

It would have been obvious to one having ordinary skill in the art at the time that the invention was made to employ the inner surface treatment of Nash when making the gloves suggested by the combination of JP '565B and Van Thillo in order to produce gloves that have the antistatic properties suggested by JP '565B and Van Thillo as well as the non-blocking, non-allergenic surfaces of Nash.

The motivation to employ the inner surface treatment of Nash when making the gloves suggested by the combination of JP '565B and Van Thillo is found in the Nash abstract, where the treatment of the inner surface of gloves to produce non-blocking, non-allergenic surfaces is taught.

It is deemed desirable to make rubber gloves that have both antistatic outer surfaces and non-blocking, non-allergenic inner surfaces because these features lower the cost of the gloves and give them greater marketability.

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Conclusion

Any inquiry concerning this communication should be directed to the Examiner, Sandra M. Nolan, whose telephone number is 571/272-1495. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If attempts to reach the Examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached at 571/272-1498. The general fax number for the art unit is 703/872-9305.

S. M. Nolan

S. M. Nolan
Patent Examiner
Technology Center 1700

SMN/smn
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13 February 2004